

Town of Primrose
Dane County, Wisconsin

BUILDING PERMIT ORDINANCE
2015-01

This Ordinance to supersede the Building Permit Ordinance of August 2010

1.01 Purpose

The purpose of this Ordinance is to regulate agricultural, residential, and related buildings within the Town of Primrose to assure that construction protects the health and safety of Town residents, preserves agricultural land and productivity, and is designed to enforce the goals set forth in the Town of Primrose Comprehensive Plan.

1.02 Jurisdiction

Jurisdiction of these regulations shall include all dwelling and accessory buildings on land within the Town of Primrose.

1.03 Authority

These regulations are adopted under the statutory authority granted pursuant to sec. 101.65, 101.651, 101.76, and 101.761, and by its adoption of village powers under sec 60.10(2)(c), 60.22(3), and 61.34(1) of the Wisconsin Statutes.

1.04 Definitions

- (1) Dwelling. Any structure permanently affixed to the ground, which is intended to be occupied as a residence, or an addition or additional story to an existing accessory building.
- (2) Accessory Building. Any structure permanently affixed to the ground, which cannot be occupied as a residence, or an addition or additional story to an existing accessory building.
- (3) Agricultural Accessory Building. An accessory building which is used to benefit and existing farm operation.
- (4) Town Board. The Town of Primrose Board of Supervisors.
- (5) Town Clerk. Clerk of the Town of Primrose.
- (6) Building Inspector. An individual certified and licensed by the State of Wisconsin and employed by the Town for the express purpose of issuance of Building Permits.
- (7) Agricultural Land. Land within the Town of Primrose that has produced or is capable of producing a viable crop.

1.05 Application Requirements and Procedures

- (1) Who must apply. No person or entity shall construct a dwelling or accessory building, install a manufactured dwelling or accessory building, or add an addition or additional story to an existing dwelling or accessory building, without first submitting an application with the appropriate fee and obtaining a Building Permit from the Town Board.
- (2) Building Permit Approval Form. The Town Board shall generate a Building Permit Approval Form for issuance to the Building Inspector prior to his/her

- granting a building permit. These will be generated at a Town Board meeting by the Town Clerk and forwarded to the Building Inspector directly.
- (3) Project Review and Approval. Procedures for the evaluation of the project by the Town Board are described in the Town's Applications Guide, a copy of which is available from the Town Clerk.
 - (4) Supporting Documents. In order for the Town Board to approve a project, the following documents must be reviewed at public meeting; first the Town of Primrose Planning Commission, followed by the Town of Primrose Board of Supervisor's meeting.
 - (a) Land Division Approval (if this property was divided from a larger one).
 - (b) Site Plan Approval (see exemptions in sec 1.08 of this Ordinance).
 - (c) Completed Driveway Inspection Report (if driveway is needed).

The following documents must be obtained from Dane County Department of Planning and Zoning.

 - (d) Approved County Farm Income Certification (needed only for parcels in A-1 Exclusive Zoning).
 - (e) County Erosion Control Plan (for the building site).
 - (f) County Zoning Permit (if required).
 - (g) County Sanitation Permit (for dwellings only).
 - (h) Wisconsin Administrative Building Permit Application.
 - (5) Permit Period. The Building Permit is effective for 12 months from the date of issuance. The permit shall expire after 12 months unless renewed.
 - (6) Renewal. The permit may be renewed for 1 additional period of 12 months. If the building has not been constructed by the end of this period, a new application must be submitted and approved.
 - (7) Revocation of Permit. All Building Permits are issued conditionally. After notice and a hearing, the Town Board may revoke a Building Permit previously issued in the event of the applicant fails to maintain compliance with the conditions listed in sec. 1.06 of this Ordinance. The Building Permit is not transferable from one person to another or from one place to another.
 - (8) Application Fee. An application fee of an amount determined by a resolution of the Town Board will be charged. This fee is specified in the "Application Fee schedule" in the Applications Guide.

1.06 Agricultural Productivity

No residential dwelling shall be approved in the Town of Primrose if the Town Board finds that the dwelling will adversely impact productive agricultural land, unless the person requesting the permit can show that the parcel or farm operation to be served by the dwelling has produced an average gross income of \$12,000.00 per year for the past three years. Rental income shall not be included in calculating farm income. Under any circumstance, the Town Board shall only approve a site for any building that has the least impact on agricultural, natural and cultural resources as described in the Comprehensive Plan. This condition may be waived by the Town Board if it approves a building and driveway permit pursuant to Option B under the Town of Primrose Comprehensive Plan.

1.07 Conditions

The Town Clerk shall issue or re-issue a Building Permit Approval Form in the Town of Primrose only if all the following conditions are satisfied as determined in the discretion of the Town Board:

- (1) The construction project will not interfere with or fail to comply with the goals, standard and policies set forth in the Town of Primrose Comprehensive Plan.
- (2) The agricultural productivity requirements set for in Section 1.06, above, have been met.
- (3) The applicant has received a driveway permit.
- (4) The applicant complies with all applicable County, State, and Town building codes and ordinances.
- (5) The applicant agrees to install, provide, and maintain adequate, temporary sanitary facilities at the site during construction which are sufficient to prevent a public health hazard.
- (6) The applicant or applicant's contractor(s) will prevent any public nuisance associated with noise, dust, odors, fires, explosions, water pollution, air pollution, and erosion.
- (7) The applicant will install and maintain adequate physical structures and/or operational controls to prevent trespassing, littering, and discharging of waste and to prevent nuisances on private and public lands adjacent to the construction project site.

1.08 Exemptions

- (1) Agricultural Accessory Building. Agricultural accessory buildings do not require a Site Plan Approval or any of the other supporting documents listed in Sec. 1.05(4) of this Ordinance, but must otherwise comply with the siting criteria, goals, and policies of the Comprehensive Plan. A farmer intending to build an agricultural accessory building, however, must provide the Town Clerk with a written description of the proposed building and its proposed location on the property at least 25 days before construction begins which shall be forwarded immediately to each Town Board Supervisor. The Town Clerk shall have the authority to issue Town approval for a building permit for the agricultural accessory building unless within 25 days of receipt of the proposal a Town Board Supervisor files a written objection with the Clerk and requests that the matter be reviewed by the Town Board. In this case, the Town Board shall then have exclusive authority to decide whether and upon what conditions approval for a building permit shall be issued.
- (2) Additions and Additional Stories. Additions or additional stories do not require a Site Plan Approval or any of the other supporting documents listed in Sec. 1.05(4) of this Ordinance.

1.09 Penalties

Any person or entity who violates this Ordinance shall, upon conviction, pay a forfeiture of \$100.00 plus applicable surcharges and court costs per violation. Each day that the violation continues to exist shall constitute a separate offense. This Ordinance may be enforced by a civil action. A violation of this Ordinance is deemed a public nuisance and may be enjoined.

1.10 Severability

The provisions of this Ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

1.11 Disclaimer

The Town of Primrose does not, by issuing a building permit, warranty or make assurance of any kind whatsoever, specifically as to whether the building which is the subject of the permit is safe, suitable for its intended purpose, merchantable, or in compliance with any applicable codes or regulations.

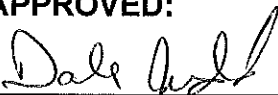
1.12 Effective Date

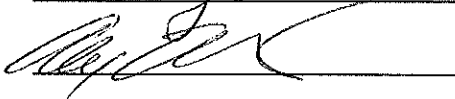
This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

(1) Town Board Approval. This Ordinance was adopted by the

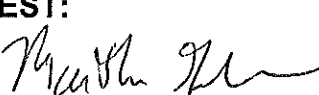
Town Board on this _____ day of _____, 2015.

APPROVED:





ATTEST:



(2) Public Notice.

- (a) Public Review. A notice was published in the Mt. Horeb Mail newspaper on October 23rd and October 30th of 2015 to inform residents that a final draft of this Ordinance was on file with the Town Clerk.
- (b) Posting. This Notice of Adoption of Ordinances relating to this Ordinance was published in the Mt. Horeb Mail newspaper, the publication of record for the Town of Primrose on November 12th, 2015.
- (c) Publication. A Notice of Adoption of Ordinances relating to this Ordinance was published in the Mt. Horeb Mail newspaper, the publication of record for the Town of Primrose on November 19th, 2015.